

**CITY OF BALTIMORE  
COUNCIL BILL 07-0757  
(First Reader)**

---

Introduced by: The Council President  
At the request of: The Administration (Employees' Retirement System)  
Introduced and read first time: August 13, 2007  
Assigned to: Taxation and Finance Committee

---

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Employees' Retirement System, Fire and Police Employees' Retirement System, Department of Human Resources

---

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Retirement Systems – Defining Job Removal**

3 FOR the purpose of defining and clarifying the circumstances under which the agency head of a  
4 member of the Employees' Retirement System or the Fire and Police Employees' Retirement  
5 System would be authorized to request that he or she be granted a "job removal" retirement;  
6 and providing for a special effective date.

7 BY amending and reordaining, with amendments

8 Article 22 - Retirement Systems  
9 Section(s) 9(f)(3)  
10 Baltimore City Code  
11 (Edition 2000)

12 By deleting

13 Article 22 - Retirement Systems  
14 Section 32(k)(2)  
15 Baltimore City Code  
16 (Edition 2000)

17 By adding

18 Article 22 - Retirement Systems  
19 Section 32(j-1)  
20 Baltimore City Code  
21 (Edition 2000)

22 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the  
23 Laws of Baltimore City read as follows:

24 **Baltimore City Code**

25 **Article 22 – Retirement Systems**

26 **Subtitle – Employees' Retirement System**

EXPLANATION: CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.

**Council Bill 07-0757**

**§ 9. Class C membership**

(f) *Early retirement.*

(3) *RETIREMENT ON ACCOUNT OF JOB REMOVAL.*

(i) *SCOPE OF PARAGRAPH.*

THIS PARAGRAPH WILL BE APPLIED EXCLUSIVELY UPON RECEIPT BY THE SYSTEM OF A WRITTEN DETERMINATION FROM THE AGENCY HEAD OF A MEMBER OF THIS SYSTEM, COUNTERSIGNED BY AN APPROPRIATE DESIGNEE OF: (1) THE OFFICE OF THE MAYOR, (2) THE DIRECTOR OF HUMAN RESOURCES, OR (3) THE DEPARTMENT OF LAW, CERTIFYING ONE OF THE FOLLOWING CRITERIA FOR A JOB REMOVAL RETIREMENT BENEFIT:

(A) THE MEMBER IS BEING LAID OFF WITHOUT FAULT ON HIS OR HER PART DUE TO A REDUCTION IN FORCE OR DIMINISHED NEED FOR THE SERVICES PERFORMED BY THE HOLDER OF SUCH POSITION AND IS NOT BEING REMOVED FOR POOR PERFORMANCE IN THE JOB,

(B) IN THE CASE OF AN EXEMPT MEMBER WORKING IN AN "AT WILL" POSITION NOT COVERED BY CIVIL SERVICE, THE MEMBER IS BEING REMOVED FROM HIS OR HER POSITION WITHOUT FAULT ON HIS OR HER PART, AT THE INITIATION OF THE AGENCY AND PURSUANT TO ITS ABSOLUTE DISCRETION, AND IS NOT BEING REMOVED FOR POOR PERFORMANCE IN THE JOB,

(C) THE MEMBER IS BEING REMOVED FROM HIS OR HER POSITION WITHOUT FAULT ON HIS OR HER PART DUE TO PHYSICAL OR MENTAL INCAPACITY,

(D) THE MEMBER IS BEING REMOVED FROM HIS OR HER POSITION WITHOUT FAULT ON HIS OR HER PART AND THE MUTUAL BEST INTERESTS OF THE AGENCY AND THE MEMBER WOULD BE SERVED THROUGH THE REMOVAL INSOFAR AS THE REMOVAL WILL RESOLVE A PERSONNEL OR DISCIPLINARY DISPUTE BETWEEN THE AGENCY AND THE MEMBER, OR

(E) THE MEMBER IS BEING REMOVED FROM HIS OR HER POSITION WITHOUT FAULT ON HIS OR HER PART AND THE MUTUAL BEST INTERESTS OF THE AGENCY AND THE MEMBER WOULD BE SERVED THROUGH THE REMOVAL, THE AGENCY HEAD SO CERTIFIES IN GOOD FAITH, AND THE MEMBER REPRESENTS IN WRITING TO THE AGENCY AND TO THE SYSTEM THAT HE OR SHE HAS NOT SECURED, AND HAS NO IMMEDIATE PROSPECT OF SECURING, OTHER EMPLOYMENT AS OF THE EFFECTIVE OF HIS OR HER REMOVAL.

(ii) *JOB REMOVAL RETIREMENT BENEFIT.*

[Notwithstanding anything to the contrary in this subtitle, should] SHOULD any member appointed for a fixed term set by law not be reappointed either voluntarily or involuntarily, after acquiring 20 years of service, or should a Class C member be removed from a regular permanent position of the City without fault on his or her part after the acquisition of 20 years of service (30 years of service if removed before July 1, 1987), [but has not attained] PRIOR

**Council Bill 07-0757**

1 TO ATTAINING the age of 65, such member shall be entitled to receive a  
2 retirement benefit based on the actual years of service credit and equal to the  
3 pension the member would receive if he or she had already attained the age of  
4 65, the normal retirement age. The reduction contained in [§ 9(f)(2) of this  
5 subtitle] PARAGRAPH (2) shall not apply. [In addition, for any member who  
6 terminates employment with the City on or before June 28, 1993, the Primary  
7 Social Security Benefit will be calculated on the assumption that the member  
8 would have no earnings after the calendar year prior to the year of retirement  
9 under this § 9(f)(3), notwithstanding the provisions of § 9(f)(1)(ii) or any  
10 other provisions of this subtitle which provides for the use of level future  
11 earnings.]

12 (III) *PREEMPLOYMENT MILITARY SERVICE CREDIT.*

13 Effective June 24, 1990, any preemployment military service credit claim  
14 shall be subject to the conditions contained in § 9(d)(2) of this subtitle, except  
15 the military service credit claim shall not be subject to the age 65 requirement  
16 contained in § 9(d)(2). However, any benefit for which the member could be  
17 eligible shall be determined before the military service credit provided for  
18 herein is added to the service credit acquired by the member.

19 (IV) *SPECIAL EFFECTIVE DATE.*

20 Effective December 2, 1991, the provisions of the above paragraph shall apply  
21 to any member who retired under § 9(f)(3). Any increased benefits due to  
22 such a retired member shall be paid prospectively from the effective date of  
23 this ordinance. Furthermore, variable benefits, if any, paid to such a retired  
24 member shall not be changed as a result of this ordinance.

25 **Subtitle – Fire and Police Employees’ Retirement System**

26 **§ 34. Benefits.**

27 (k) *Optional allowances.*

28 [(2) Notwithstanding anything to the contrary in this subtitle, should a member be  
29 removed from a regular permanent position of the City without fault upon his part, or  
30 should a member appointed or elected for a fixed term not be reappointed or reelected  
31 after the completion of 15 years of service, such member may elect, in lieu of the  
32 withdrawal of his accumulated contributions, to have such contributions paid to him  
33 in an annuity of equivalent actuarial value, in which event he shall also be paid a  
34 pension equal to the ordinary disability pension that would have been payable at such  
35 time had he been retired on an ordinary disability retirement.

36 Effective December 2, 1991, in applying the preemployment military credit provision  
37 of § 32(f) to a member described in the above paragraph, the requirement that the  
38 member shall have attained age 50 shall be disregarded. However, any benefit for  
39 which the member could be eligible shall be determined before the military service  
40 credit provided for herein is added to the service credit acquired by the member. This  
41 Ordinance 91-829 shall also apply to any member who retired under the provision of

**Council Bill 07-0757**

1 the above paragraph. Any increased benefits due to such a retired member, shall be  
2 paid prospectively from the effective date of this Ordinance. Furthermore, variable  
3 benefits, if any, paid to such a retired member shall not be changed as a result of this  
4 Ordinance.

5 Should such a beneficiary be restored to active service, his retirement allowance shall  
6 cease, he shall again become a member of the Retirement System, and he shall  
7 contribute thereafter at the same rate he paid prior to his retirement; provided,  
8 however, that should such beneficiary be appointed or elected to any office, the salary  
9 or compensation of which is paid by the City, his retirement allowance shall cease,  
10 and he may again become a member of the Retirement System and shall contribute  
11 thereafter at the same rate he paid before his retirement. Any prior service certificate  
12 on the basis of which his service was computed at the time of his retirement shall be  
13 restored to full force and effect and, in addition, upon his subsequent retirement he  
14 shall be credited with all his service as a member.]

15 (J-1) *RETIREMENT ON ACCOUNT OF JOB REMOVAL.*

16 (1) *SCOPE OF PARAGRAPH.*

17 THIS PARAGRAPH WILL BE APPLIED EXCLUSIVELY UPON RECEIPT BY THE SYSTEM OF A  
18 WRITTEN DETERMINATION FROM THE AGENCY HEAD OF A MEMBER OF THIS SYSTEM,  
19 COUNTERSIGNED BY AN APPROPRIATE DESIGNEE OF: (1) THE OFFICE OF THE MAYOR,  
20 (2) THE DIRECTOR OF HUMAN RESOURCES, OR (3) THE DEPARTMENT OF LAW,  
21 CERTIFYING ONE OF THE FOLLOWING CRITERIA FOR A JOB REMOVAL RETIREMENT  
22 BENEFIT:

- 23 (I) THE MEMBER IS BEING LAID OFF WITHOUT FAULT ON HIS OR HER PART DUE TO A  
24 REDUCTION IN FORCE OR DIMINISHED NEED FOR THE SERVICES PERFORMED BY  
25 THE HOLDER OF SUCH POSITION AND IS NOT BEING REMOVED FOR POOR  
26 PERFORMANCE IN THE JOB,
- 27 (II) IN THE CASE OF AN EXEMPT MEMBER WORKING IN AN "AT WILL" POSITION NOT  
28 COVERED BY CIVIL SERVICE, THE MEMBER IS BEING REMOVED FROM HIS OR HER  
29 POSITION WITHOUT FAULT ON HIS OR HER PART, AT THE INITIATION OF HIS OR  
30 HER AGENCY AND PURSUANT TO ITS ABSOLUTE DISCRETION, AND IS NOT BEING  
31 REMOVED FOR POOR PERFORMANCE IN THE JOB,
- 32 (III) THE MEMBER IS BEING REMOVED FROM HIS OR HER POSITION WITHOUT FAULT  
33 ON HIS OR HER PART DUE TO PHYSICAL OR MENTAL INCAPACITY,
- 34 (IV) THE MEMBER IS BEING REMOVED FROM HIS OR HER POSITION WITHOUT FAULT  
35 ON HIS OR HER PART AND THE MUTUAL BEST INTERESTS OF THE AGENCY AND  
36 THE MEMBER WOULD BE SERVED THROUGH THE REMOVAL INSOFAR AS THE  
37 REMOVAL WILL RESOLVE A PERSONNEL OR DISCIPLINARY DISPUTE BETWEEN  
38 THE AGENCY AND THE MEMBER, OR
- 39 (V) THE MEMBER IS BEING REMOVED FROM HIS OR HER POSITION WITHOUT FAULT  
40 ON HIS OR HER PART AND THE MUTUAL BEST INTERESTS OF THE AGENCY AND  
41 THE MEMBER WOULD BE SERVED THROUGH THE REMOVAL, THE AGENCY HEAD  
42 SO CERTIFIES IN GOOD FAITH, AND THE MEMBER REPRESENTS IN WRITING TO

**Council Bill 07-0757**

1 THE AGENCY AND TO THE SYSTEM THAT HE OR SHE HAS NOT SECURED, AND  
2 HAS NO IMMEDIATE PROSPECT OF SECURING, OTHER EMPLOYMENT AS OF THE  
3 EFFECTIVE OF HIS OR HER REMOVAL.

4 (2) *JOB REMOVAL RETIREMENT BENEFIT.*

5 SHOULD A MEMBER BE REMOVED FROM A REGULAR PERMANENT POSITION OF THE  
6 CITY WITHOUT FAULT UPON HIS OR HER PART, OR SHOULD A MEMBER APPOINTED OR  
7 ELECTED FOR A FIXED TERM NOT BE REAPPOINTED OR REELECTED AFTER THE  
8 COMPLETION OF 15 YEARS OF SERVICE, SUCH MEMBER MAY ELECT, IN LIEU OF THE  
9 WITHDRAWAL OF HIS ACCUMULATED CONTRIBUTIONS, TO HAVE SUCH CONTRIBUTIONS  
10 PAID TO HIM OR HER IN AN ANNUITY OF EQUIVALENT ACTUARIAL VALUE, IN WHICH  
11 EVENT HE OR SHE SHALL ALSO BE PAID A PENSION EQUAL TO THE ORDINARY  
12 DISABILITY PENSION THAT WOULD HAVE BEEN PAYABLE AT SUCH TIME HAD HE OR SHE  
13 BEEN RETIRED ON AN ORDINARY DISABILITY RETIREMENT.

14 (3) *PREEMPLOYMENT MILITARY SERVICE CREDIT.*

15 EFFECTIVE DECEMBER 2, 1991, IN APPLYING THE PREEMPLOYMENT MILITARY CREDIT  
16 PROVISION OF §32(F) TO A MEMBER DESCRIBED IN SUBSECTION 2, THE REQUIREMENT  
17 THAT THE MEMBER SHALL HAVE ATTAINED AGE 50 SHALL BE DISREGARDED.  
18 HOWEVER, ANY BENEFIT FOR WHICH THE MEMBER COULD BE ELIGIBLE SHALL BE  
19 DETERMINED BEFORE THE MILITARY SERVICE CREDIT PROVIDED FOR HEREIN IS ADDED  
20 TO THE SERVICE CREDIT ACQUIRED BY THE MEMBER.

21 (4) *SPECIAL EFFECTIVE DATE.*

22 ORDINANCE 91-829 SHALL ALSO APPLY TO ANY MEMBER WHO RETIRED UNDER THE  
23 PROVISION OF THE ABOVE PARAGRAPH. ANY INCREASED BENEFITS DUE TO SUCH A  
24 RETIRED MEMBER, SHALL BE PAID PROSPECTIVELY FROM THE EFFECTIVE DATE OF THIS  
25 ORDINANCE. VARIABLE BENEFITS, IF ANY, PAID TO SUCH A RETIRED MEMBER SHALL  
26 NOT BE CHANGED AS A RESULT OF THIS ORDINANCE.

27 (5) *RETURN TO WORK OF MEMBER RETIRED UNDER THIS SUBSECTION.*

28 SHOULD A MEMBER RETIRED UNDER THIS SUBSECTION BE RESTORED TO ACTIVE  
29 SERVICE, HIS OR HER RETIREMENT ALLOWANCE SHALL CEASE, HE OR SHE SHALL AGAIN  
30 BECOME A MEMBER OF THE SYSTEM, AND HE OR SHE SHALL CONTRIBUTE THEREAFTER  
31 AT THE SAME RATE PAID PRIOR TO HIS OR HER RETIREMENT. ANY PRIOR SERVICE  
32 CERTIFICATE ON THE BASIS OF WHICH A MEMBER'S SERVICE WAS COMPUTED AT THE  
33 TIME OF HIS OR HER RETIREMENT SHALL BE RESTORED TO FULL FORCE AND EFFECT  
34 AND, IN ADDITION, UPON HIS OR HER SUBSEQUENT RETIREMENT HE OR SHE SHALL BE  
35 CREDITED WITH ALL MEMBERSHIP SERVICE.

36 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance  
37 are not law and may not be considered to have been enacted as a part of this or any prior  
38 Ordinance.

39 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it is  
40 enacted.